

### **REMARKS**

In response to the Official Office Action dated May 22, 2003, the period for response being extended to July 22, 2003 by the attached Petition for Extension of Time, the Applicants hereby provisionally elect to have further prosecution in this application be given on the invention of Group I, directed to Claims 1-13, Species (A), directed to claims 1-10 and Species (I), directed to claims 1, 2, 5 and 7-9. This election is made with traverse.

In the Election/Restriction Requirement, the Office Action required election between one of two inventions. The two inventions are:

Group I: directed to claims 1-13, drawn to an auto-cruise apparatus

Group II: directed to claims 14-20, drawn to methods for switching the modes of an auto-cruise apparatus.

Additionally, the Office Action took the position that the Applicants were required to further select one species from each of the following sets:

#### **First Species Set - switches:**

<b><u>SPECIES</u></b>	<b><u>FIGURE</u></b>
(A).	Fig. 6a with Fig. 8a
(B).	Fig. 7a with Fig. 8a
(C).	Fig. 6b

#### **Second Species Set - modes of operation:**

<b><u>SPECIES</u></b>	<b><u>FIGURE</u></b>
(1).	Fig. 13
(2).	Fig. 15
(3).	Fig. 16

Claim 1 was stated as being generic.

Firstly, it is respectfully submitted that claims 1-10 are generic to the First Species Set. Claims 1-10 are readable on the species (A) because any one of the cruise switch shown in Fig. 6(a) and the distance switch shown in Fig. 8(a) can activate the mode switching function. The above is also true for species (B) and (C). Therefore, claims 1-10 are generic.

*not true  
re: 6a vs. 7a.*

Secondly, with regard to the First Species Set, Species (A) through (C) show different types of switches. However, the functionality of the switches shown in Species (A) through (C) is the same. That is, the cruise switch provides a function of switching the ACC system between "ON" and "OFF". The distance switch provides a function of setting the vehicle-to-vehicle distance. The above-described mode switching function is mounted on either the cruise switch or the distance switch. Although the user operation is different among Species (A) through (C), all of the species (A) through (C) implement the same scheme of providing these three functions.

*no*  
*6b shows them  
combined in one  
switch*  
*∴ not distinct*  
*no*

Thirdly, with regard to the Second Species Set, Fig. 13 shows a flow chart of a process performed by the mode selector. Fig. 15 shows a process in which the step 242 is added to the steps of Fig. 13. Fig. 16 shows a process in which the steps 262-264 are added to the steps of Fig. 13.

Claims 1, 2, 5 and 7-9 define the operation performed by the mode selector shown in Fig. 13. Therefore, at least claims 1, 2, 5 and 7-9 are readable on Species (1).

Claim 11 defines the step 263 of Fig. 16. Claim 12 defines the step 242 of Fig. 15. Claim 13 defines the step 264 of Fig. 16. Therefore, it is respectfully submitted that

at least claims 1, 2, 5, 7-9 and 12 are readable on Species (2), and that at least claims 1, 2, 5, 7-9, 11 and 13 are readable on Species (3). The mode switching function can be implemented by the cruise switch. Therefore, claims 3 and 4 are readable on Figs. 13, 15 and 16. Therefore, it is also respectfully submitted that at least claims 1-5 and 7-9 are generic to Species (1) to (3).

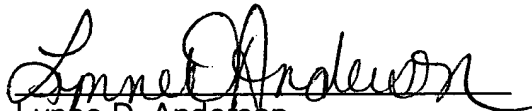
Accordingly, an early examination and a favorable action on the merits on Claims 1-13 (claims 14-20 being canceled by this Amendment) and withdrawal of the Restriction Requirement are respectfully requested.

The Applicants hereby reserve the right to file one or more divisional applications on the non-elected invention.

In the event this paper is not timely filed, Applicants hereby petition for an appropriate extension of time. Any such fee, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, referencing docket No. 108426-00010.

Respectfully submitted,

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